



WISCONSIN REGULATORY DIGEST

**A Publication of the
DEPARTMENT OF REGULATION AND LICENSING FOR
CEMETERY AUTHORITIES, CEMETERY SALESPERSONS AND PRENEED SELLERS**

Volume 5, No. 1 **May, 1998**

Petition For Declaratory Judgment Concerning Joint Ownership

Service Corporation International (SCI) or one of its subsidiary corporations has appealed the decision rendered by The Honorable Robert R. Pekowsky, Circuit Judge, Branch 5, which was issued on April 16, 1997. No additional information concerning the appeal is available at this time.

Legislative Update

AB 506. This bill relates to the reburial of unknown human remains erroneously removed from a burial site by a cemetery authority. There was a hearing on this bill before the Assembly Committee on Consumer Affairs, Representative Clifford Otte, Chair. There was no senate hearing. Since the Legislature has now finished its regular session and will only work on other specific bills in the called extraordinary/special session, this bill along with others mentioned are considered dead for this Legislative session.

CEMETERY ADVISORY COMMITTEE

Committee Members:

Marie Drescher, Tomah
Dewey Mathewson, New London
Reverend Leroy Mixon, Milwaukee
John Nelson, Green Bay
E. Glen Porter, III, New Berlin
Laurel Schaftary, Waukesha
Beverly Steinhoff, Verona
David Stucki, Waunakee
Tim Tysver, Madison

Administrative Staff:

Cletus J. Hansen, Division Administrator

Executive Staff:

Marlene A. Cummings, Secretary
Patricia McCormack, Deputy Secretary
Myra Shelton, Executive Assistant

AB 515. This bill relates to prohibiting the use of telephone solicitations to solicit the sale of burial agreements, cemetery merchandise, cemetery lots, mausoleum spaces, insurance contracts to pay for funeral merchandise or services or cemetery merchandise, or burial, funeral or preneed insurance. There was a hearing on this bill before the Assembly Committee on Insurance, Securities and Corporate Policy, Representative William Lorge, Chair. There was considerable interest in this bill on the part of both funeral directors and cemeteries. A companion bill in the Senate was introduced, SB 292.

AB 400. This bill relates to regulating residential telephone solicitations for certain goods and services, including cemetery lots. There was a hearing on this bill before the Assembly Committee on Consumer Affairs, Representative Clifford Otte, Chair.

AB 707. This bill relates to requiring cemetery authorities to provide burials during each season. There was a hearing on this bill before the Assembly Committee on Small Business and Economic Development, Representative Lorraine Seratti, Chair.

Licensing of Crematories, and Crematory Operators

No bill was introduced during the 1997 session of the Legislature; however, both the Cemetery Advisory

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Committee and the Funeral Directors Examining Board have discussed the need for regulation. Most recently the Funeral Directors Examining Board requested one of its members to propose some recommendations to the full board. It is hard to say whether a bill will come out of these discussions. In any case, the interest of the Department of Regulation and Licensing would be to determine whether any additional regulation is needed and what level of regulation is needed to adequately protect the public. It is likely that the Cemetery Advisory Committee will discuss crematory issues sometime during the year.

Telemarketing

As you could see when reviewing the legislative issues discussed above, there has been quite a bit of interest in regulating telemarketing during the past legislative session. However, on another front, the Department of Agriculture, Trade and Consumer Protection is also interested in updating its administrative rules relating to such marketing practices. Proposed new rules would forbid telemarketers from making harassing telephone calls, forbid sales calls to people who ask not to be called, forbid repeatedly calling or harassing a listener, require sellers to disclose their correct identities and the nature of their goods or services, require sellers to disclose prices and conditions of sale, regulate prize promotions and require disclosure of the odds against winning a prize.

Secretary Appoints New Committee Member

Secretary Marlene A. Cummings has appointed David Stucki as the newest member of the Cemetery Advisory Committee. Mr. Stucki fills a vacancy which we have had for a long time relating to a representative of AARP. Staff of the Department worked with Mr. Stucki for many years when he was the Executive Director of the Educational Approval Board. We are pleased to have Mr. Stucki join us.

Several committee members have served on the committee for 8 years. Their terms may be coming to an end. If you are interested in serving on the committee, please send a letter to Secretary Marlene A. Cummings indicating your interest and telling us about your work history.

Sale of Cemeteries

The Department has approved the conveyance of the following cemeteries or interests in cemeteries:

Nasewaupsee Cemetery Association, Inc., was approved to convey the Schumacher Cemetery to the Town of Nasewaupsee, Door County, WI. Dated: 1/22/92.

Mount Hope Cemetery Association was approved to convey a portion of the unplatted lands of the Mount Hope Cemetery in Sparta, for use as residential property. Dated: 2/17/92.

Cylon Cemetery Association was approved to convey the Cylon Church, including 7 platted cemetery lots, to a private individual. Dated: 4/28/92.

The Church of the Intercession was approved to convey the Forest Cemetery to the City of Stevens Point. Dated: 4/28/92.

Carl P. Baron, sole owner of West Lawn Memorial Park in Racine, was approved to convey any and all capital stock of West Lawn Memorial Park to Service Corporation International. Dated: 12/14/93.

Charles F. Meyer, receiver of Forest Hill Memorial Park Cemetery was approved to convey the cemetery to Osiris Holding of Wisconsin, Inc. Note: On March 17, 1995, Loewen Group International, Inc., purchased the shares of Osiris Holding of Wisconsin, Inc. Dated: 1/6/94.

Appleton Highland Memorial Park, Inc. (with 100% of preferred stock owned by Service Corporation International and with Cemetery Services, Inc., serving as manager and exclusive sales agent) was approved to convey approximately 36.8 acres of Appleton Highland Memorial Park Cemetery to Jerome A. Haen and/or James Temmer, or an entity owned or controlled by the foregoing. Dated: 1/31/94.

Greenwood Cemetery Association was approved to convey the Greenwood Cemetery to the City of Monroe. Dated: 4/26/95.

Belleville Cemetery Association was approved to convey the Belleville Cemetery to the Village of Belleville. Dated: 10/31/97.

Highland Memory Gardens Cemetery Association, owner of Highland Memory Gardens Cemetery in Madison, was approved to transfer ownership to Highland Management Corporation, which had been operating the cemetery. Dated: 1/18/94.

Prairie du Chien Cemetery Association, operator of the Evergreen Cemetery in Prairie du Chien, was approved to convey a parcel of land to the City of Prairie du Chien. Dated: 2/24/95.

Sun Prairie Memory Garden Cemetery Association, owner and operator of Sun Prairie Memory Garden Cemetery in Sun Prairie, was approved to transfer the ownership of the cemetery to the Sun Prairie Management Corporation. Dated: 3/24/95.

Jack Frost, Janice C. Frost, J. D. Ingram and Bettie D. Ingram, shareholders of Northern Land Company, Inc., were approved to sell to Loewen Group International, Inc., all of their stock in Northern Land Company, Inc. Northern Land Company, Inc., will continue to manage Greenlawn Memorial Park in

Sheboygan, which is owned by Sheboygan County Cemetery Association. Dated: 8/28/97.

Jack Frost, Janice C. Frost, J. D. Ingram and Bettie D. Ingram, shareholders of Northern Land Company, Inc. were approved to sell to Loewen Group International, Inc., all of their stock in Northern Land Company, Inc. Northern Land Company, Inc., will continue to manage Ledgeview Memorial Park Cemetery in Fond du Lac, which is owned by Ledgeview Memorial Park, a Wisconsin cemetery association. Dated: 8/28/97.

Jack Frost, Janice C. Frost, J. D. Ingram and Bettie D. Ingram, shareholders of Northern Land Company, Inc. were approved to sell to Loewen Group International, Inc., all of their stock in Northern Land Company, Inc. Northern Land Company, Inc., will continue to manage Greenlawn Memorial Park in Neenah, which is owned by Greenlawn Memorial Park, a Wisconsin cemetery association. Dated: 8/28/97.

William M. Landers, sole holder of all of the preferred stock of Milton Lawns, was approved to sell to Loewen Group International, Inc., all of his preferred stock in Milton Lawns Memorial Park of Janesville, Inc. Milton Lawns Memorial Park of Janesville, Inc., owns and operates Milton Lawns Memorial Park in Janesville. Dated: 10/31/97.

Sun Prairie Management Corporation, owner and operator of the Sun Prairie Memory Garden Cemetery in Sun Prairie, was approved to convey its operating assets and cemetery property to Loewen Group International, Inc., and its assignee, Great Lakes Cemeteries I, Inc., was approved to receive the assets of Sun Prairie Cemetery. Dated: 12/18/97.

Arlington Park Cemetery, Inc., was approved to convey Arlington Park Cemetery in Greenfield to the Loewen Group International. Dated: 1/8/98.

Richard D. Cody, manager of the Sunrise Memorial Gardens Cemetery in Sheboygan was approved to sell his exclusive right, title and interest in managing the Sunrise Memorial Gardens in Sheboygan to Loewen Group International, Inc. The Sunrise Memorial Gardens Cemetery Association, owns and operates Sunrise Memorial Gardens. Loewen was approved to assign the rights of the management agreement to its subsidiary, Great Lakes Cemeteries I, Inc. Dated: 1/14/98.

Richard D. Cody, Richard L. Tucker and Donna J. Tucker, joint managers of the Mormon Coulee Memorial Park in La Crosse, WI, were approved to sell and assign their management rights to Loewen Group, International, Inc., which formed a wholly-owned subsidiary by the name of Great Lakes Cemetery I, Inc., to receive the rights of the

management agreement. Mormon Coulee is owned by the La Crosse County Cemetery Association. Dated: 2/5/98.

Clyde Rupnow and LuAnn Rupnow, sole shareholders of Perfection Management Corporation which owns and operates the Glenview Memorial Gardens Cemetery in Ixonia, were approved to convey all of the outstanding stock of Perfection Management Corporation to The Loewen Group International, Inc. Perfection Management Corporation will remain as owner of the cemetery. Dated: 3/4/98.

Highland Management Corporation, owner and operator of Highland Memory Gardens Cemetery in Madison, was approved to convey the assets of Highland Memory Gardens Cemetery to Loewen Group International, Inc., and its assignee, HMC Acquisition, Inc. Loewen Group International, Inc., will remain the sole shareholder of HMC Acquisition, Inc. HMC Acquisition, Inc., will own and operate the cemetery. Dated: 3/4/98.

James B. Stanley and Timothy J. Stanley, the only two shareholders of Roselawn Memorial Park Company, Inc., which owns and operates Roselawn Memorial Park in Monona, were approved to sell all of their stock to Loewen Group International, Inc. Dated: 9/2/98.

The Restlawn Memorial Park Association was approved to convey several acres in the City of Wausau to a private party. Approved: 10/19/98.

Note: Loewen Group International, Inc., purchased the shares of Osiris Holding Corporation on March 17, 1995. Osiris Holding Corporation is the parent of Knollwood Memorial Park, Inc., which owns and operates Knollwood Memorial Park in Manitowoc, Wisconsin.

Investigative Cases

The Department had received 22 complaints against registrants in 1997. Eleven were closed without disciplinary action. The others are still open. Advisory committee members Dewey Mathewson, Glenn Porter, III, Laurel Schafferty and Tim Tysver serve as complaint screeners and case advisors.

Department of Regulation and Licensing
Cemetery Authorities, Salespersons & Preneed Sellers
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(608) 266-5511

After dialing this number you are asked to press various menu choices. For the following requests, please press numbers as noted:

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Application Processing & Requirements	Press 441
Changes of Employment	Press 441

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@mail.state.wi.us

Wisconsin Statutes and Code

Copies of the Wisconsin Statutes and Administrative Code Relating to Cemetery Regulation can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated June, 1997.

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